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Attention: MAIL STOP APPEAL BRIEF - PATENTS

Group Art Unit: 2623  
Examiner: Joseph G. Ustaris

Fax: (571) 273-8300

Supervisory Examiner: Andrew I. Faile

UNITED STATES PATENT AND TRADEMARK OFFICE

Phone: (571) 272-7383

Alt: (571) 272-7375

Pages: Cover + 1 + 4 = 6

Date: January 2, 2007

From: Georgann S. Grunebach

Fax: (310) 964-0941

Assistant General Counsel

Phone: (310) 964-4615

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Georgann S. Grunebach, Reg. No. 33,179  
(Printed Name of Depositor)January 2, 2007  
(Date of Signature)

Re: Serial No. 09/844,932

Attorney Docket No. PD-201027A

Please find attached:

- TRANSMITTAL FORM PTO/SB/21 (1 page)
- REPLY BRIEF IN RESPONSE TO EXAMINER'S ANSWER DATED NOVEMBER 29, 2006 (4 pages)

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The DirecTV Group, Inc., CA/LA1/A109, P. O. Box 956, El Segundo, CA 90245

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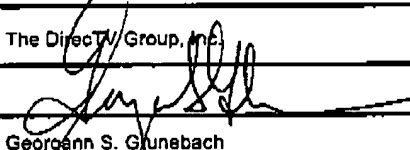
Application Number	09/844,932
Filing Date	April 26, 2001
First Named Inventor	Erin H. Sibley
Art Unit	2823
Examiner Name	USTARIS, Joseph G.
Attorney Docket Number	PD-201027A

## ENCLOSURES (Check all that apply)

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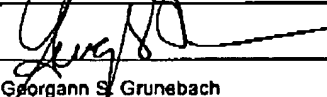
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## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	The DirectTV Group, Inc.		
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Printed name	Georgann S. Grunebach		
Date	January 2, 2007	Reg. No.	33,179

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*Patent*  
**PD-201027A**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In Re Application of

Erin H. Sibley

Art Unit: 2623

Serial No. 09/844,932

Examiner: Ustaris, Joseph G.

Filed: April 26, 2001

For: PORTABLE DEVICE FOR USE WITH DIGITAL OVER-THE-AIR  
COMMUNICATION SYSTEM FOR USE WITH TERRESTRIAL  
BROADCASTING SYSTEM

**REPLY BRIEF**

Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Examiner's Answer dated November 29, 2006, please enter the following remarks.

U.S.S.N. 09/844,932

2

PD-201027A

**REMARKS**

Appellants acknowledge that the Examiner has withdrawn the rejection under 35 U.S.C. §112, first paragraph, on page 2 of the Examiner's Answer.

In the Response to Argument section beginning on page 12, the Examiner argues with respect to claims 7-12 and 15 that the Shintani reference discloses excess bandwidth for carrying a digital video stream. The Examiner specifically points to column 1, lines 18-29. The Examiner specifically states on page 12 that:

"Shintani discloses a digital broadcast system that is implemented over a conventional analog broadcast system. A single physical channel represents one 6 MHz channel, where in the analog case, one analog signal is carried in the 6 MHz channel. However, in the digital case, that one 6 MHz physical channel has 'excess bandwidth' to carry more than one digital streamer for two channels. Shintani discloses that the single physical channel can include multiple virtual channels."

The Appellants have reviewed column 1, lines 18-29 and admit that a frequency band is disclosed that can carry a signal which is an encoded digital transport stream. In fact, this passage describes several physical channels or "virtual channels." However, no teaching or suggestion is provided in these passages for excess bandwidth. More specifically, no teaching or suggestion is found for virtual channels being provided in the excess bandwidth of an over-the-air digital broadcast television signals. Appellants, therefore, respectfully request the Board to reverse the Examiner's position with respect to claims 7-12 and 15.

In the last paragraph of page 12, the Examiner argues that Kim discloses the limitations recited in claims 1-6, 13 and 14 with respect to the vertical blanking interval grabber. It should be noted that claim 1 specifically recites in the preamble a portable appliance for receiving a digital video stream embedded in a vertical blanking interval with broadcast television signal. Claim 1 further recites "a vertical blanking interval frame grabber for receiving the digital video stream." Appellants admit that the Kim reference discloses that an HTML signal is transmitted in the vertical blanking interval. In column 5, lines 5-15, of the Kim reference states that the decoder receives the text code from the TV decoder. More specifically, the HTML signal is "text code" and is, therefore, not video. Appellants have recognized that by compressing a digital video stream, the digital video stream may be inserted within the vertical blanking interval of a broadcast television signal. Appellants, therefore, do not agree that Kim teaches a vertical blanking interval frame grabber for receiving a digital video stream.

U.S.S.N. 09/844,932

3

PD-201027A

In the second full paragraph of page 13 of the Examiner's Answer, the Examiner states:

"Freeman discloses a system that is capable to compress/decompress signals in a video communication system in order to reduce the data transfer requirements thereby using the available bandwidth more efficiently."

Applicants admit that the Freeman reference does teach compressing a video signal to reduce the data transfer requirements as stated by the Examiner. However, there is no teaching in Freeman for decompressing a digital video stream into a decompressed video stream that is decompressed from a vertical blanking interval. Appellants, therefore, respectfully request the Board to reverse the Examiner's position with respect to claims 1-6, 13 and 14.

In the paragraph bridging pages 13 and 14, the Examiner disagrees with the Appellants regarding the Cho reference. More specifically, the Appellants argue that Cho does not disclose a cradle disposed within an automotive vehicle. Claim 3 specifically recites that the cradle that is coupled to a first antenna and receives a portable user appliance from claim 2 is disposed within an automotive vehicle. Appellants admit that the Cho reference illustrates an automotive vehicle in Figure 1. It should be noted in Figure 2 that the apparatus body may be considered a cradle for a portable television. The Examiner points to column 4, line 53 through column 5, line 18 for teaching "the portable television 20 is connected to an automobile, where the apparatus body 10 is replaced with an apparatus body that will allow the portable television to connect to the automobile." Appellants respectfully disagree. Appellants have reviewed these sections. In the sentence bridging columns 4 and 5, the Cho reference states:

"During outings, while on vacation, etc., the portable television receiver 20 is separated from the body 10, and then connected to an automobile. Accordingly, the television broadcast can be received."

In this case, the portable television receiver 20 can also be used as the above-mentioned rear monitor. Thus, Appellants believe it is clear that using the cradle within an automotive vehicle is not contemplated. Specifically, the Cho reference teaches that the body or cradle 10 is separated from the body and then the portable television receiver may be connected to the automobile. Appellants believe it is clear that the cradle is not used within the automobile. Merely the portable television receiver is used within the automobile or connected to the automobile.

With respect to claim 14, the Examiner states that the Cho reference discloses that the unit is connected to the automobile thereby making the unit part of the automobile. While

U.S.S.N. 09/844,932

4

PD-201027A

column 5, lines 1-8 disclose "connected to an automobile" there is no teaching or suggestion for receiving over-the-air analog broadcast signals with an automobile antenna. Figure 2 is the figure that specifically illustrates the automobile. There is no teaching or suggestion with respect to Figure 1 for an automobile antenna. The portable television receiver in the Cho reference has its own antenna. Appellants merely believe that coupling to an automotive vehicle means physically coupling the portable television receiver to the automotive vehicle when within the vehicle. Appellants can only speculate that this is for the convenience of viewing television signals on the device.

Appellants, therefore, respectfully request the Board to reverse the Examiner's position with respect to each and every claim of the present application in view of the above remarks and the Appeal Brief. Appellants thank the Board for their consideration. Should the Board have any questions regarding this matter, the Board is directed to contact the undersigned directly.

Please charge any fees required in the filing of this appeal to Deposit Account 50-0383.

Respectfully submitted,

Dated: January 2, 2007

By: 

Georgann S. Grunebach, Reg. No. 33,179  
Attorney for Appellants

The DIRECTV Group, Inc.  
CA/LA1/A109  
2230 East Imperial Highway  
P.O. Box 956  
El Segundo, CA 90245  
Telephone: (310) 964-4615